

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Martin VORBACH et al.
Serial No. : 10/523,763
Filing Date : February 07, 2005
Title : METHOD AND DEVICE FOR PROCESSING DATA
Docket No. : 02885/92
Customer No. : 26646

DECLARATION OF MICHELLE M. CARNIAUX UNDER 37 CFR 1.47

I, Michelle M. CARNIAUX, am the attorney of record in the above-identified application.

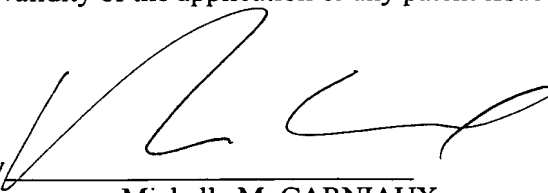
The non-signing inventor in the above-identified application, Mr. Armin NUCKEL, was, at the time of the invention, employed by PACT XPP Technologies AG.

On March 24, 2006, I mailed, via DHL overnight courier, a letter (in English and German) enclosing, among other things, a copy of the above-captioned application and an unsigned declaration to Mr. Armin NUCKEL, one of the three-named inventors of the application, at his present home address of Drosselweg 4, Neupotz, D-76777 Germany on March 24, 2006. The DHL Air Bill No. is 784 6914 003 and a copy of the confirmation of receipt by inventor Armin Nuckel on March 28, 2006 is attached.

On March 31, 2006 Mr. Nuckel responded via e-mail that he "can no longer provide any signatures in connection with PACT." Accordingly, Mr. Nuckel has refused to sign the Declaration I mailed to him. A copy of his email refusal, and translation of same, is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 7, 2006

By 
Michelle M. CARNIAUX
(Reg. No. 36,098)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

DECLARATION

ATTORNEY'S DOCKET NO.
2885/92

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **METHOD AND DEVICE FOR PROCESSING DATA**, the specification of which (1) was filed as PCT International Application No. PCT/EP03/08081 on July 23, 2003 and (2) is being filed concurrently herewith in the U.S. Patent and Trademark Office.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a) including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

PRIOR FOREIGN APPLICATION(S)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF ISSUE (day, month, year)	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
DE	102 36 271.8		07/08/2002	Yes
DE	102 36 272.6		07/08/2002	Yes
DE	102 36 269.6		07/08/2002	Yes
DE	102 38 174.7		21/08/2002	Yes
DE	102 38 173.9		21/08/2002	Yes
DE	102 38 172.0		21/08/2002	Yes
DE	102 40 022.9		27/08/2002	Yes
DE	102 40 000.8		27/08/2002	Yes
DE	102.41.812.8		06/09/2002	Yes
DE	102 43 322.4		18/09/2002	Yes
EP	02 027 277.9		06/12/2002	Yes
DE	103 00 380.0		07/01/2003	Yes
DE	103 10 195.0		06/03/2003	Yes
DE	103 15 295.4		04/04/2003	Yes

COUNTRY	APPLICATION NUMBER	DATE OF ISSUE (day, month, year)	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
EP	03 009 906.3		30/04/2003	Yes
DE	103 21 834.3		15/05/2003	Yes
EP	03 013 694.9		17/06/2003	Yes
EP	03 015 015.5		02/07/2003	Yes
EP	02 022 692.4		10/10/2002	Yes
EP	PCT/EP02/10065		16/08/2002	Yes
EP	PCT/DE/02/03278		03/09/2002	Yes
EP	PCT/EP/02/10084		09/09/2002	Yes
EP	PCT/EP/02/10464		18/09/2002	Yes
EP	PCT/EP/02/10479		18/09/2002	Yes
EP	PCT/EP/02/10536		19/09/2002	Yes
EP	PCT/EP/02/10572		19/09/2002	Yes
DE	PCT/DE/03/00152		20/01/2003	Yes
EP	PCT/DE/03/00624		20/01/2003	Yes
DE	PCT/DE/03/00489		18/02/2003	Yes
DE	PCT/DE/03/00942		21/03/2003	Yes

PRIOR UNITED STATES APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE (day, month, year)	STATUS (i.e. Patented, Pending, Abandoned)
PCT/EP02/10065	16/08/2002	Pending
PCT/DE/02/03278	03/09/2002	Pending
PCT/EP/02/10084	09/09/2002	Pending
PCT/EP/02/10479	18/09/2002	Pending
PCT/EP/02/10572	19/09/2002	Pending

APPLICATION NUMBER	FILING DATE (day, month, year)	STATUS (i.e. Patented, Pending, Abandoned)
PCT/DE/03/00152	20/01/2003	Pending
PCT/DE/03/00489	18/02/2003	Pending
PCT/DE/03/00942	21/03/2003	Pending

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

Michelle M. Carniaux, Esq.
KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 telephone
(212) 425-5288 facsimile

Customer No. 26646

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	VORBACH	Martin	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Munich	Germany	Germany
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	Gotthard Straße 117a	Munich	D-80969 Germany
Signature		Date	

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	MAY	Frank	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Munich	Germany	Germany
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	An der Tuchbleiche 12	Munich	D-81927 Germany
Signature		Date	

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	NUCKEL	Armin	
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Neupotz	Germany	Germany
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	Drosselweg 4	Neupotz	D-76777 Germany
Signature		Date	

ASSIGNMENT

WHEREAS, We,

Martin VORBACH
Ritter-von-Ochsenstein Str. 8
67360 Lingenfeld
Federal Republic of Germany
Citizenship: Federal Republic of Germany

Frank MAY
An der Tuchbleiche 12
81927 Munich
Federal Republic of Germany
Citizenship: Federal Republic of Germany

Armin Nuckel
Drosselweg 4
76777 Neupotz
Federal Republic of Germany
Citizenship: Federal Republic of Germany

have made new and useful inventions and discoveries in **METHOD AND DEVICE FOR PROCESSING DATA**, for which an application for U.S. Letters Patent was filed as International Application No. PCT/EP03/008081 on July 23, 2003, and was filed in the U.S. Patent Office on February 7, 2005 and was assigned U.S. Serial No. 10/523,763; and

WHEREAS **PACT XPP Technologies AG**, having a place of business at **Muthmannstrasse 1, D-80939 München, Federal Republic of Germany**, and who, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited,

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in any and all countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under an International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not conveyed to others any right, title, or interest in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; that we have good right to assign the same to Assignee without encumbrance; and that we are aware of no claim to the contrary.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries; and to testify to the same in any interference, arbitration, or litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2006.

Martin VORBACH

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this
____ day of _____, 2006.

Frank MAY

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this
____ day of _____, 2006.

Armin NUCKEL